

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**MICHAEL DEARK GARDNER *also
known as Yakim Ananian El Bey
also known as Ananian El Bey***

v.

DWAIN BREWER, *et al.*

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PETITIONER

Civil No. 1:17cv261-HSO-RHW

RESPONDENTS

CERTIFICATE OF APPEALABILITY

A final order adverse to the applicant having been filed in the captioned habeas corpus case, in which the detention complained of arises out of process issued by a state court or a proceeding pursuant to 28 U.S.C. § 2254, the Court, considering the record in the case and the requirements of 28 U.S.C. § 2253, Rule 22(b) of the Federal Rules of Appellate Procedure, and Rule 11(a) of the RULES GOVERNING SECTION 2254 CASES FOR THE UNITED STATES DISTRICT COURTS, hereby finds that:

A Certificate of Appealability should not issue in this case. Jurists of reason could not conclude that the Court's dismissal on procedural grounds was debatable or incorrect or that the petition states a valid claim of the denial of a constitutional right. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Date: May 22, 2018

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE